

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAROLD E. MONTAGUE,

Case No.: 3:17-cv-00648-RCJ-WGC

Petitioner,

Order

v.

MS. BAKER, et al.,

Respondents.

This court denied Petitioner Harold E. Montague's habeas corpus petition, including denying a certificate of appealability, on September 7, 2021, and judgment was entered. (ECF Nos. 47, 48.) Montague appealed, and the Ninth Circuit Court of Appeals denied a certificate of appealability on March 2, 2022. (ECF Nos. 49, 51.) Montague now (1) moves "for extension of time for C.O.A. & motion for counsel," (2) requests a status, (3) moves for the appointment of counsel, and (4) moves for a certificate of appealability. (ECF Nos. 52, 53, 54, 55). Montague has also filed a new petition for writ of habeas corpus, which appears to be an unsuccessful attempt to appeal the Ninth Circuit Court of Appeals' denial of a certificate of appealability to the United States Supreme Court. (*See* ECF Nos. 53 at 1; 56 at 1.) It appears that Montague has also filed a motion for reconsideration with the Ninth Circuit Court of Appeals regarding its denial of a certificate of appealability. (*See Harold Montague v. Baker*, case number 21-16552, docket entry 4.)

1 This court notes that this matter is currently closed. As such, Montague's motion for
 2 counsel is denied.¹ And because this Court already denied a certificate of appealability,
 3 Montague's request for a certificate of appealability and extension of time to file a request for a
 4 certificate of appealability are denied as moot. Finally, Montague's request for a status update on
 5 his case is granted; this order shall serve as Montague's status update.

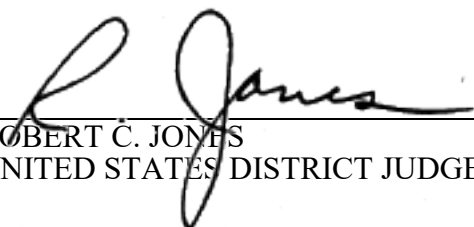
6 IT IS THEREFORE ORDERED that the motion "for extension of time for C.O.A. &
 7 motion for counsel" (ECF No. 52) is DENIED.

8 IT IS FURTHER ORDERED that the request for status (ECF No. 53) is GRANTED. This
 9 order shall serve as a status update.

10 IT IS FURTHER ORDERED that the motion for the appointment of counsel (ECF No. 54)
 11 is DENIED.

12 IT IS FURTHER ORDERED that the motion for a certificate of appealability (ECF No.
 13 55) is DENIED.

14 Dated: May 12, 2022.

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 16 ROBERT C. JONES
 17 UNITED STATES DISTRICT JUDGE
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21 ¹ Mark D. Eibert, Esq. was appointed to represent Montague. (ECF No. 22.) Eibert represented
 22 Montague through the briefing of Montague's second amended petition. (*See* ECF No. 47 at 14.)
 23 Eibert moved to withdraw following the completion of the briefing. (ECF No. 46.) This Court
 granted the request, releasing Eibert at the time it denied Montague's second amended petition.
 (ECF No. 47 at 14.) This Court noted that "[b]ecause the briefing of Montague's second
 amended petition is complete, the interests of justice no longer require Montague to be
 represented by counsel." (*Id.*)